

Appl. No. 09/783,493
Amdt. Dated 02/10/2005
Reply to Office action of 08/30/2004

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Remarks

All of the originally presented claims 1-8 have been rejected, 35 USC 102(e), as anticipated by Mathis patent 6,269,254, July 21, 2001. While there are some similarities in the Mathis disclosure and teaching to applicants' invention, Mathis and applicants are concerned with entirely different problems, and applicants' novel and inventive solution to applicants' problem is neither disclosed nor suggested by Mathis.

Both Mathis and applicants are concerned with adding an additional service to a communication between a calling and a called party and both use Java Telephone technology in their implementations. But at that point, the similarities between Mathis and applicants stop.

Mathis is directed solely towards a very specific problem involving small radio communication devices, such as cell phones, which have limited processing resources. Mathis accordingly, teaches how to reduce what needs to be stored in these resource restrained devices. Further, while Mathis discloses and teaches a dual mode of operation, namely voice and data, data is the only service that can be added to a Mathis communication between and a calling and a called party. Mathis has what he refers to as a dual mode phone and teaches switching between the voice and data modes only. In Mathis there is no resource added dynamically, as provided by applicants' invention.

Applicants, on the other hand, are not concerned with such communication devices, such as radio phones or cell phones, with limited memory and processing capabilities, nor is their invention limited to just one added service, namely data service from a single predetermined resource provider. Instead, as stated at page 4, lines 8-18 of their specification, applicants are concerned with enabling "a telecommunications subscriber during an established call or during the establishment of that call to obtain additional services or functions from possible multiple suppliers, which services or functions are not normally available to that subscriber".

Since applicants' prior claims 1-8 did not precisely enough recite these distinctive aspects of their invention, applicants are cancelling claims 1-8 and submitting in their stead new claims 9-12.

As now recited in new claim 9, applicants' invention is a method for providing one of a plurality of additional services or functions from one of a plurality of providers of such services or functions. In Mathis there is not a plurality of either services or service providers. Further as recited in claim 9, the resource for the additional service or function is provided to a control platform which is distinct from the terminals of the parties to the communication, the provision involving inserting the resource into the control platform. In Mathis the Java control platform is included in the radio devices or cell phones, whereas, as seen in Fig. 6 of applicants' specification, their Java control platform is separate from the subscriber terminals or phones. Further applicants submit that the Examiner errs in his statement, at page 4 of the

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Office Action, that in Mathis service control protocols are inserted into the control platform; such is not to be found described at Mathis col. 3, line 25 or col. 4, lines 1-16, as asserted by the Examiner.

New claim 10 adds that the control platform includes a call model including several states for tracking the communications between the parties during the suspension of the call connection between the parties.

New claim 11 is also directed to a method for providing additional services or functions which may be provided by a plurality of providers. Specifically the claim recites the method steps as depicted in Fig. 7 of applicants' specification, wherein a subscriber desiring to employ a particular additional service or function inquires of the other subscriber on the communication whether it has that service or function available already. If that subscriber does not have the service or function, that subscriber initiates its acquisition from one of the plurality of providers and moves the connection between the subscribers to a suspend state. Then when it has acquired the necessary resource, that subscriber sends a message indicating the acquisition, followed by the step of resuming the communication connection between the subscribers.

New claim 12, dependent on claim 11, adds the step of the one subscriber recommending a particular one of the plurality of providers to the other subscriber.

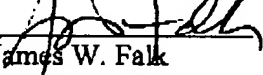
None of these steps is disclosed or suggested by Mathis.

Accordingly, applicants submit that claims 9-12 are clearly patentable. Favorable consideration and allowance of claims 9-12 are therefore requested.

Further applicants respectfully submit that this application is now in condition to be passed to issue, and such action is also requested. However, if the Examiner deems it would in any way expedite the prosecution of this application, he is invited to telephone applicants' attorney at the number set forth below.

A petition for a three-month extension of time is submitted herewith.

Respectfully submitted,
Farooq Anjum et al

By 
James W. Falk
Attorney for Applicants
Reg. No. 16,154
(732) 699-4465